

CLG AS A CONSULTING PARTY UNDER 36 CFR 800

Consulting with the Montana SHPO: Guidelines and Procedures for Cultural Resource Review and Consultation under the National Historic Preservation Act and the Montana State Antiquities Act, Archeology Bulletin 21.

For the full text of Bulletin 21, please visit: <http://www.his.state.mt.us/shpo/archaeology/consultingwith.asp>.

Requirements For Consultation With Others [including Certified Local Governments]

Once a federal agency has established that it has an undertaking and that the undertaking has the potential to affect historic properties, the agency needs to identify the appropriate SHPO and Tribal Historic Preservation Office, involve the public, and identify other consulting parties. Consultation with SHPO alone is not enough to ensure compliance with the National Historic Preservation Act, as amended (16 USC 470 et seq.) or 36 CFR 800. Under the provisions of 36 CFR 800, federal agencies are required to seek and consider the views of state agencies, other federal agencies, Tribal Historic Preservation Offices, local and certified local governments, local preservation groups, other interested parties, and the public in their consultation regarding information needs and possible effects to Historic Properties. Federal agencies are also required under Section 110 of the National Historic Preservation Act, as amended, to involve these same parties and the private sector in carrying out their preservation activities.

A number of Montana communities participate in the National Park Service Certified Local Government Program and have local Historic Preservation Officers and commissions with associated local preservation ordinances that should be consulted in the Section 106 process.

Under 36 CFR 800, federal agencies are required to consult with tribes whether or not a tribe has appointed a Tribal Historic Preservation Officer.

Consultation with the public is an essential part of the initiation of the consultation process, and continues throughout the Section 106 process at different steps. The Advisory Council on Historic Preservation provides detailed guidance regarding public consultation in *Public Participation in Section 106 Review: A Guide for Agency Officials* (1989.)